

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 335 be amended to read as follows:

- 1 Page 3, between lines 4 and 5, begin a new paragraph and insert:
2 "SECTION 3. IC 22-4-14-9 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. **(a) As used in this**
4 **section, "SAVE program" means the Systematic Alien Verification**
5 **of Entitlements program operated by the United States**
6 **Department of Homeland Security or a successor program**
7 **designated by the United States Department of Homeland Security.**
8 **(b)** For weeks of unemployment occurring subsequent to December
9 31, 1977, benefits may not be paid on the basis of services performed
10 by an alien unless the alien is an individual who has been lawfully
11 admitted for permanent residence at the time the services are
12 performed, is lawfully present for purposes of performing the services,
13 or otherwise is permanently residing in the United States under color
14 of law at the time the services are performed (including an alien who
15 is lawfully present in the United States as a result of the application of
16 the provisions of Section 207, Section 208, or Section 212(d)(5) of the
17 Immigration and Nationality Act (8 U.S.C. 1157 through 1158).
18 (1) Any data or information required of individuals applying for
19 benefits to determine whether benefits are not payable to them
20 because of their alien status shall be uniformly required from all
21 applicants for benefits.
22 (2) In the case of an individual whose application for benefits
23 would otherwise be approved, no determination that benefits to
24 the individual are not payable because of ~~his~~ **the individual's**
25 alien status may be made except upon a preponderance of the
26 evidence.
27 (3) Any modifications to the provisions of Section 3304(a)(14) of
28 the Federal Unemployment Tax Act, as provided by P.L.94-566,
29 which specify other conditions or other effective date than stated
30 in this section for the denial of benefits based on services
31 performed by aliens and which are required to be implemented

under state law as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act, shall be considered applicable under this section.

(c) If an individual who applies for benefits is not a citizen or national of the United States, the department shall verify the lawful presence of the individual to determine the individual's eligibility for benefits through the SAVE program. The department shall implement this subsection in accordance with federal law."

Page 3, between lines 22 and 23, begin a new line block indented and insert:

"(7) A corporation organized under IC 8-1-13.

(8) A corporation organized under IC 23-17 that is an electric cooperative and that has at least one (1) member that is a corporation organized under IC 8-1-13."

Page 3, line 33, delete "employment".

Page 4, between lines 38 and 39, begin a new paragraph and insert:

"Sec. 13. (a) If, after an investigation, the attorney general determines that an employer has knowingly employed an unauthorized alien, the attorney general shall notify the United States Immigration and Customs Enforcement.

(b) If the attorney general determines that an employer has knowingly employed an unauthorized alien and that any defenses to knowingly employing an unauthorized alien established under this chapter do not apply, the attorney general may notify:

(1) local law enforcement agencies; and

(2) the prosecuting attorney in the county in which the unauthorized alien is employed.

The attorney general may not notify law enforcement agencies and the prosecuting attorney about the unauthorized alien unless the attorney general determines that the defenses established under this chapter do not apply."

Page 4, delete lines 39 through 42.

Page 5, delete lines 1 through 4.

Page 5, line 5, delete "an" and insert **"a civil"**.

Page 5, line 23, delete "court" and insert **"trier of fact"**.

Page 6, line 39, delete "court" and insert **"trier of fact"**.

Page 7, line 6, delete "court" and insert **"trier of fact"**.

Page 7, line 26, delete "court" and insert **"trier of fact"**.

Page 8, line 18, delete "knowingly".

Page 8, line 18, delete "false or frivolous".

Page 8, line 19, after "general" insert **"or a prosecuting attorney"**.

Page 8, line 19, delete "section 11 of".

Page 8, line 20, delete "chapter" and insert **"chapter, knowing that the complaint is false or frivolous,"**.

Page 8, line 20, delete "C" and insert **"B"**.

Page 8, between lines 24 and 25, begin a new paragraph and insert:

"Sec. 30. This chapter shall be enforced without regard to race

- 1 **or national origin."**
- 2 Renumber all SECTIONS consecutively.
(Reference is to SB 335 as printed January 25, 2008.)

Senator DELPH